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EX PARTE OR LATE FILED

January 5, 2000

VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

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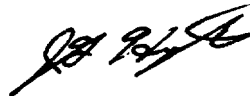
Re: Provision of Directory Listing Information under the
Telecommunications Act of 1934, As Amended
CC Docket No. 99-273
Written Ex Parte Communication

Dear Ms. Salas:

Cox Communications, Inc. ("Cox"), by its attorney, hereby requests that the Commission incorporate Cox's May 26, 1999, comments in the Commission's UNE Remand Proceeding, CC Docket No. 96-98, into the record of this proceeding. Excerpts from those comments discussing issues relevant to this proceeding are attached to this letter for the convenience of the Commission's staff.

In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this written ex parte communication are being submitted to the Secretary's office on this date.

Respectfully submitted,



J.G. Harrington
Counsel for Cox Communications, Inc.

JGH/vll

Attachment

cc (w/attach.): Gregory M. Cooke, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
of 1996)

Interconnection between Local Exchange Carriers)
and Commercial Mobile Radio Service Providers)

RECEIVED
MAY 26 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
CC Docket No. 95-185

To: The Commission

COMMENTS OF COX COMMUNICATIONS, INC.

Laura H. Phillips
J.G. Harrington
Barbara S. Esbin

Its Attorneys

DOW, LOHNES & ALBERTSON, PLLC
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May 26, 1999

B. CLECs Require Access to Operator Services and Directory Assistance Services.

Operator services and directory assistance raise different issues than OSS. While it is evident there is no other source for OSS than the ILEC, there are some potential alternative sources for operator services and directory assistance. The alternatives, however, are substantially inferior to the existing ILEC functionalities at this time, and the use of alternative providers even could raise public safety issues in some cases. Consequently, operator services and directory assistance must be made available as UNEs.

There are several reasons why a lack of access of operator services and directory assistance would severely impair the provision of CLEC services. First, ILECs have significant economies of scale and scope in the provision of these services, which the *Notice* properly recognized may be a factor in determining new entrants' need for network elements.^{58/} These economies of scale and scope, which greatly reduce the cost of providing these services, are almost entirely a legacy of the mandated monopolies held by ILECs during the last century.

Second, ILECs have unparalleled access to the resources, including customer information, needed to provide these elements. There are no effective substitutes for these resources available to CLECs at this time. While all LECs have an obligation to make directory information available under section 222, in practice only ILECs have real time access to this data.^{59/}

^{58/} *Notice* at ¶ 27.

^{59/} 47 U.S.C. § 222(e).

Third, customers are likely to perceive important quality differences if CLECs use “national” service operators instead of ILECs’ operator services. In particular, the databases used by “national” operator services and directory assistance providers are not updated nearly as frequently as ILEC databases. Another significant concern is that national operator service providers have, at best, limited abilities to connect with local public safety answering points in an emergency. Indeed, alternative providers often instruct callers seeking emergency assistance by dialing “0” to instead dial “911”, rather than connecting them directly. These differences in quality are very significant to consumers and to basic public safety considerations. In fact, many consumers would view limitations on access to emergency services as a disqualifying handicap for a CLEC.

In this context, it is evident that, as the *Notice* suggests, significant differences in quality that result from acquiring a network element from an ILEC rather than other sources are highly relevant to the analysis of whether an element should be unbundled.^{60/} Here, there are substantial differences not only in the quality and the quantity of the information provided but also in the nature of the service that the new entrant can obtain from an ILEC or an alternative source. These differences affect customer behavior and therefore absolutely affect competition.

Finally, the Commission should recognize that these elements are central to the provision of local exchange service. As the Federal-State Joint Board on Universal Service noted when considering what services should be eligible for universal service support, “operator services are . . . used by at least a substantial majority of residential customers, even though customers are

^{60/} *Notice* at ¶ 28; see also *supra* Part III.

often charged for using those services”^{61/} and “[a]ccess to E911 is essential to public health and safety because it facilitates the determination of the approximate geographic location of the calling party.”^{62/} Similarly, customers expect prompt, accurate directory service. Thus, if CLECs are unable to provide these services at parity with ILECs, they will be subject to a substantial handicap in the marketplace and will be unable to compete effectively.

C. CLECs Require Access to ILEC Signaling Systems and Databases.

As the Commission noted in its *Local Competition Order*, the 1996 Act requires BOCs to provide “nondiscriminatory access to databases and associated signaling necessary for call routing and completion” before they can obtain authority to provide in-region interLATA services.^{63/} Because of this requirement, the Commission concluded that the 1996 Act contemplated the unbundling of signaling systems as network elements.^{64/} The Commission should reaffirm that conclusion, for the reasons described both in the *Local Competition Order* and below.

As a threshold matter, the Commission should reaffirm that signaling systems and associated databases are not “proprietary” elements and, therefore, are not subject to the

^{61/} Federal-State Joint Board on Universal Service, *Notice of Proposed Rulemaking and Order Establishing Joint Board*, 11 FCC Rcd 18092, 18106 (1996).

^{62/} Federal-State Joint Board on Universal Service, *Report and Order*, 12 FCC Rcd 8776, 8815 (1996).

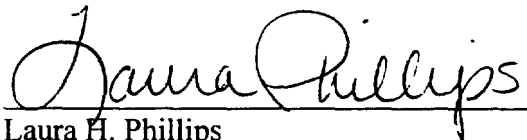
^{63/} *Local Competition Order*, 11 FCC Rcd at 15738. See also 47 U.S.C. § 271(c)(2)(B)(x).

^{64/} *Local Competition Order*, 11 FCC Rcd at 15738.

to apply the unbundling requirement to these network elements until it is shown that failure for ILEC to give access to these elements no longer substantially impairs or prevents a competitors' entry.

Respectfully Submitted,

COX COMMUNICATIONS, INC.

A handwritten signature in cursive script, reading "Laura Phillips", written over a horizontal line.

Laura H. Phillips

J.G. Harrington

Barbara S. Esbin

Its Attorneys

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